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Draft statement of mutual commitments on peacebuilding in Liberia

I. Background

1. By a letter dated 27 May 2010, the Government of Liberia requested the Secretary-General to place Liberia on the agenda of the Peacebuilding Commission. The Secretary-General transmitted the request to the Security Council in a letter dated 14 June 2010. The President of the Security Council wrote to the Chair of the Peacebuilding Commission on 19 July 2010 supporting the request of the Government of Liberia to be placed on the agenda of the Commission. The Security Council also requested the Commission's advice and recommendations, following close consultation with the Government of Liberia, on the requirements necessary to help accelerate progress in meeting key benchmarks as set out by the United Nations Mission in Liberia (UNMIL), in the following areas: strengthening the rule of law; supporting security sector reform; and supporting national reconciliation.

2. The Organizational Committee of the Peacebuilding Commission decided, on 16 September 2010, to place Liberia on its agenda and elected Prince Zeid Ra'ad Zeid Al Hussein, the Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations, as Chair of the country-specific configuration.

3. The creation of the country-specific configuration for Liberia was preceded by a Peacebuilding Commission delegation to Liberia from 16 to 27 August 2010. In consultation with the Government of Liberia, UNMIL, the United Nations country team and other national stakeholders, the Mission identified the main risks to and gaps in peace consolidation in Liberia and recommended approaches as to how the Commission could support the Government of Liberia in addressing peacebuilding priorities. This assessment took into consideration existing national strategies and ongoing international assistance in support of them.

4. Section II of the present statement of mutual commitment identifies critical peacebuilding priorities and section III spells out the commitments by the Peacebuilding Commission and the Government of Liberia. To provide a concrete

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picture of the peacebuilding challenges in Liberia, section II outlines the larger needs while section III prioritizes among them and lists what the Government of Liberia and the Commission can realistically achieve. The statement is a flexible instrument that can be adjusted jointly by the Government of Liberia and the Peacebuilding Commission in the light of developments in national peacebuilding efforts. Periodic reviews of the engagement based on targets will be carried out every nine months to monitor progress and amend the statement as needed. This instrument has benefited from and draws on the findings of the Peacebuilding Commission delegation and the views of the configuration. It is aligned with Liberia's national strategic vision, namely, the Poverty Reduction Strategy, and contributes to the foundation for its prospective successor Vision 2030: Liberia Rising. The engagement between the Government of Liberia and the Commission will be based on the principles of national ownership and leadership; international partnership in support of national efforts; and joint responsibility.

5. In order to ensure complementarity between the work of the Peacebuilding Commission and the Peacebuilding Fund, the statement will inform the Liberian Priority Plan, which will serve as the basis for Peacebuilding Fund intervention. The Government of Liberia will lead the preparation of the Priority Plan with the support of the Joint Steering Committee and the United Nations Peacebuilding Support Office and in consultation with national stakeholders. The Priority Plan may articulate needs beyond the Peacebuilding Fund providing a road map for additional resource mobilization and advocacy by the Commission. The Joint Steering Committee is responsible for the review and approval of projects, as well as measuring and monitoring the progress and impact of projects.

II. Peacebuilding priorities

6. The peacebuilding priorities identified in the present statement of mutual commitment are the rule of law, security sector reform and national reconciliation. Substantial efforts in the past seven years have been invested in these sectors. UNMIL has, in particular, played an instrumental role in maintaining security. Further support will facilitate a smooth transfer from UNMIL, with the close collaboration of the United Nations country team, to the Government of Liberia in security management, as well as tackle critical root causes and drivers of conflict. The regional dimension of the conflict and gender considerations will be appropriately incorporated into peacebuilding activities.

A. Strengthening the rule of law

7. Advancing the rule of law in Liberia is fundamental to the country's peace consolidation efforts. Historically, parallel political, social and legal systems reflected the polarization of Liberians into settler and indigenous populations, creating conditions ripe for conflict and the means to perpetuate it. The current lack of capacity has resulted in concerns that the justice system does not provide an impartial service to all Liberians. A holistic approach focusing on five main areas holds the potential to build upon achievements to date and bolster Liberian confidence in the formal justice system: legislative review; increased access;

enhanced capacity; effective oversight bodies; and robust public information programmes.

Priority actions

8. **Legislative review**: From the founding of the Liberian State, a dual justice system of customary and statutory laws evolved with limited coordination and without effective oversight mechanisms. Two constructive approaches are being taken to clarify jurisdictions and establish immediate-term guidance as well as medium-term processes to develop a strategic vision on interaction between the two systems:

(a) Legislative reform, including the establishment of the Law Reform Commission to consider, among other things, the dual justice system;

(b) Dialogue on this issue, including the convening of a national conference in April 2010.

Complementary to these activities and reflective of the urgent need to resolve land tenure disputes is the establishment of the Land Commission, which was inaugurated in March 2010. That Commission is undertaking a review of land laws and other efforts to clarify claims where it can.

9. These are inherently national processes, which are contingent on national political will. Under the auspices of the Peacebuilding Commission, the international community can maintain an active "watching brief", supporting and guiding, as appropriate, in order to ensure that the Land Commission's respective reviews advance in a rights-based, comprehensive and inclusive manner that engages all segments of the Liberian population.

10. **Increased access**: The formal justice system is accessible through public defender offices, legal aid centres and prosecution services. However, these services are limited and inefficient, which leads to a backlog in cases processed and unacceptable levels of pre-trial detention. Various efforts have been addressing the scarce presence of the justice system in the country, such as the Judicial Institute's Professional Magistrates programme and the Task Force on Non-Lawyers. Nonetheless, extending the justice system coverage throughout the country necessitates substantial support in terms of posting staff to the countryside, increasing qualified human resources and constructing the necessary infrastructure for administering justice, e.g., courts, prisons. These interventions need to be synchronized with the deployment of the Liberia National Police and the building of the capacity of municipal government structures to provide the necessary administrative support. While these needs are urgent, efforts to address them should be carried out in an incremental manner that the Government of Liberia will be able to sustain. In parallel, the capacity and quality of the corrections facilities also need attention.

11. **Enhanced capacity**: Despite advances, the judiciary remains in need of significant capacity development from a substantive as well as administrative perspective. An array of training has been held for the legal sector and some infrastructure has been put in place. Efforts are now needed to nurture the formal education and training system to prepare and upgrade legal staff at all levels of the judicial system. A significant component of this education will entail administrative

and management skill development, which are critical to creating sustainable institutions.

12. A second and urgent intervention is to establish a case management and tracking system that effectively links the interventions of all components of the judicial system. Complementary to this, is fostering professional relationships across the entire system.

13. **Justice system oversight mechanisms**: Corruption and mismanagement continue to hamper functioning of the justice system and spawn public discontent. Existing oversight bodies, including the Judicial Review Commission and the Professional Standards Division of the Liberia National Police merit development and support. Gaps, however, may exist with regard to oversight body(ies) for prosecuting counsel and public defenders. In general, it is unclear where civilians can lodge corruption complaints against components of the justice system.

14. **Public information and outreach**: Central to improving the rule of law is an informed and engaged public. Currently, the publi has a poor understanding of the system, in particular their rights and responsibilities in the legal system. This hinders processing of cases, facilitates corruption and generates misinformation that has ignited conflict and may do so again. A public information and outreach campaign, building on existing legal outreach projects, can help address the fundamental alienation much of the population feels with respect to the justice system.

B. Supporting security sector reform

15. Liberia is at a critical phase in security sector reform. It has progressed from disarming and demobilizing combatants to building a national security strategy and key security institutions, including the Liberia National Police, the Bureau of Immigration and Naturalization and the Armed Forces of Liberia. Public trust in these institutions, however, is weak. With the anticipated drawdown of UNMIL peacekeepers, Liberian security forces must be equipped to assume full responsibility to maintain law and order. Numerous activities are ongoing in this direction, in particular the Justice and Security Trust Fund, which supports reform of the Liberia National Police, the Bureau of Immigration and Naturalization and corrections over the medium term. Additional backing and short-term gap-filling would better ensure successful completion of these activities in the following areas: legislative action, enhanced capacity including presence, effective oversight mechanisms and regional collaboration. In recognizing the scale of human rights violations, particularly against females, promotion of human rights should be mainstreamed throughout these activities.

Priority actions

16. **Legislative action**: The long-awaited omnibus legislation known as the National Security Reform and Intelligence Act has been submitted to the legislature by the Executive. Maintaining momentum is necessary to ensure its early adoption and implementation. Follow-up legislation for each security institution will also have to be enacted to create the necessary legal framework for institution-specific reforms.

17. The Liberia National Police comprises about 4,000 police personnel, who have been trained and deployed. However, their effectiveness is limited, requiring funding and technical support to enable adequate responses. The Police Strategic Plan outlines six priority interventions: Police Support Unit capacity development; establishment of a communication network; enhancement of Liberia National Police investigation capacity; development and reinforcement of transportation capacity; development of nationwide information technology network; and reinforcement of Liberia National Police professional standards.

18. As indicated above in the section on rule of law reform, the deployment of the police throughout the country is critical. To strengthen the Liberia National Police presence outside Monrovia in a sustainable manner, developing five regional hubs would be advisable.

19. The Bureau of Immigration and Naturalization has begun to be reformed but fundamental institutional reform in line with the recently adopted Bureau of Immigration and Naturalization Strategic Plan is needed. A strong Bureau of Immigration and Naturalization could decrease pressure on the Liberia National Police. With increased success in arresting illegal border crossings, the level of crime should decrease, thereby making the task of the Liberia National Police more manageable. In addition, a more effective Bureau of Immigration and Naturalization will have a regional dimension in countering the arms and drug trafficking challenge facing all of West Africa.

20. The Armed Forces of Liberia has benefited from basic military training of 2,000 recruits and is expected to be operational by 2012. However, the financial burden of maintaining the army has raised questions of sustainability as well as clarity on its role under the Constitution. Accountability matters also merit attention as politicization of the military has been a root cause and driving factor of conflict in the country. Establishing civilian oversight is vital to changing the current lack of public confidence in security institutions. Attention also should be directed towards enhancing inter-institutional relationships, which are essential for a functioning security system, through the empowerment of the National Security Council and County Security Councils, as well as relevant oversight bodies in the legislature.

21. **Regional collaboration**: Many of the security challenges being faced in Liberia have subregional dimensions on which the Economic Community of West African States (ECOWAS) engages. The Government of Liberia is an active member State of ECOWAS and partakes in ECOWAS initiatives. Key among these initiatives is the West African Coast Initiative on transnational crime and the National Commission on Small Arms, which is in line with the ECOWAS Convention on Small Arms and Light Weapons. Supporting participation and harmonization between national and regional instruments will assist in boosting sustainability of Liberia's efforts and its complementarities in the subregion. A Peacebuilding Fund project in Sierra Leone supported the Makona River Initiative, which is promoting regional cooperation between Guinea, Liberia and Sierra Leone. Similar opportunities may exist to enhance Liberia's engagement in this Initiative.

C. Promoting national reconciliation

22. Reconciliation is in the early phases. Civil conflict in Liberia is rooted in the historic rift between the American Liberians and the indigenous populations.

Liberians currently view the issue from a multitude of angles: national identity; ethnic tensions; the divide between American Liberians and indigenous populations; and equal access to justice, government services and economic opportunity. In large part, the incomplete reconciliation process and magnitude of potential disputes seems linked to the absence of capacities for conflict mediation, particularly alternative disputes resolution and mediation processes in the courts. Uncertainty on land rights, as noted above under the section on the rule of law, is a particularly contentious issue that is triggering isolated incidents of conflict and has been cited as having the potential to lead to widespread violence. Concerns also exist over disaffected youth as a potential threat to peace and stability, particularly with the upcoming elections.

Priority actions

23. As noted above under the section on the rule of law, land rights and tenure is an urgent matter. In view of the complexity of the land issue and the multitude of efforts working on those issues, this issue should be an immediate priority pulling on expertise from the international community to identify the best way forward, drawing on, as appropriate, lessons learned in other countries emerging from conflict. Consideration should also be given to identifying ways to strengthen the capacity of the Land Commission.

24. Efforts need to be taken to strengthen national identity. A pilot youth project for 1,000 participants that develops skills while promoting a shared sense of national identity and a spirit of public service could be developed. The project should be based on lessons learned from other similar projects, particularly the reintegration programmes pursued for ex-combatants as well as current projects of the United Nations, World Bank, the United States Agency for International Development, and others.

25. More targeted outreach is required to empower civil society organizations including traditional and religious leaders with a focus on women to assume their critical role in the country's peacebuilding and recovery. Projects that place specific emphasis on skills training, entrepreneurship and civic duty need to be scaled up and replicated contributing to help reinforce Liberians' sense of patriotism.

26. The Truth and Reconciliation Commission published its report in December 2009, making recommendations that could pave the way for a long-term reconciliation agenda. Two Presidential quarterly reports on implementation have since been submitted. Nonetheless, the report has been highly controversial and the public's understanding of its contents and its recommendations could be enhanced. At the same time, support does appear to exist for starting the palaver huts programme recommended in the Truth and Reconciliation Commission report and for the mandate of the Independent National Commission for Human Rights. The latter, like the Truth and Reconciliation Commission, was provided for in the Comprehensive Peace Agreement.

27. Although the Independent National Commission on Human Rights Act has been in force since 2005, as a body it only recently became functional. In view of the scale of human rights violations committed during the war, this body could be instrumental in remedying past violations as well as strengthening respect for human rights. The expertise of the Carter Center and the American Bar Association

could be equally valuable in strengthening alternative disputes resolution and mediation processes complementary to ongoing judicial reform.

28. The Truth and Reconciliation Commission and the Independent National Commission for Human Rights entail national processes, which may necessitate international political leverage to fulfil the original intent of the Comprehensive Peace Agreement, but, moreover, to create an environment conducive to reconciliation. Strategic support to strengthening the State's capacity to promote national dialogue and reconciliation should also be provided.

III. Mutual commitments

29. The Government of Liberia and the Peacebuilding Commission undertake to strengthen their partnership in support of the peacebuilding effort in Liberia. In doing so, both parties recognize that the primary responsibility for peace consolidation and development rests with the Government and people of Liberia. The commitments of each party are detailed below.

A. Commitments by the Government of Liberia

30. The Government of Liberia commits to pursue the actions described below in the three main priority areas.

(a) Strengthening the rule of law

- Prioritize the political will to facilitate the work of the Law Reform Commission and the Land Commission to better enable them to realize their mandates
- Increase budgetary allocations for the justice sector and take immediate steps to reduce the unacceptable levels of pre-trial detention cases
- Strengthen human resource management to ensure that vetted judicial staff with appropriate training and an accurate understanding of the law are deployed in the counties keeping pace with the deployment of the Liberia National Police
- Engage in public outreach, informing citizens of their rights and responsibilities in the legal system as well as its functioning
- Create and implement a case management and tracking system while simultaneously fostering professional relationships among all components of the justice system, including the Liberia National Police
- Establish effective oversight mechanisms for the justice system which provide guarantees for judicial independence and public accountability.

(b) Supporting security sector reform

- Maintain the political will to pass and implement the National Security Reform and Intelligence Act

- Increase budgetary allocations for institutions central to security and the rule of law, including the Armed Forces of Liberia, Liberia National Police, Bureau of Immigration and Naturalization and Corrections
- Support the establishment and ongoing maintenance of five regional hubs initiating work on the first hub by the end of 2010
- Advance reform of the Bureau of Immigration and Naturalization in line with its Strategic Plan while maintaining progress for Liberia National Police reform
- Advance efforts to establish effective civilian oversight mechanisms for national security institutions, in particular empowering the National Security Council, County Security Councils and relevant oversight bodies in the legislature
- Continue engagement in regional initiatives pursued by ECOWAS.

(c) Promoting national reconciliation

- Increase the holding of inclusive dialogue over national reconciliation, including on the Truth and Reconciliation Commission report and land issues
- Generate the political will necessary for the Independent National Commission for Human Rights to fulfil its mandate
- Explore the creation of a pilot national youth service initiative.

B. Commitments by the Peacebuilding Commission

31. The support of the Peacebuilding Commission to Liberia's national peacebuilding effort will include political advocacy and support, resource mobilization, and fostering coordinated action among all relevant stakeholders. Peacebuilding Commission engagement will help to consolidate the country's peacebuilding efforts and to strengthen the Government's capacity to gradually assume the many critical functions that UNMIL and the United Nations country team is currently performing in security sector reform and the rule of law, as well as help to advance national reconciliation.

32. Thus, the Peacebuilding Commission is committed to the following actions:

- Mobilize resources for the peacebuilding priorities identified in the present statement of mutual commitment and the Priority Plan advocating for pledges and commitments made by different donors to be honoured and effectively coordinated
- Broaden the donor base for Liberia and encourage wide participation of partners in all international forums in which support can be garnered for Liberia
- Generate sustained attention and undertake measures to advocate within the international community for support to the peacebuilding process by highlighting progress in, as well as challenges, risks and opportunities of, peacebuilding efforts in the country

- Work with regional actors, particularly ECOWAS and the Makona River Initiative, to build upon their interventions in building durable peace in Liberia and in the subregion

- Advise the Government of Liberia and the Liberian people on lessons learned, particularly on land tenure and rights, harmonization of traditional and statutory legal systems and reconciliation from experience gained in similar situations serving as an objective voice and wielding, as merited, political leverage to keep related processes on track

- Contribute to deliberations on Liberia, in particular in the Security Council, by providing advice on the three peacebuilding priorities seeking to ensure a responsible transition on security management from UNMIL to the Government of Liberia

- Contribute, individually and collectively, to supporting Liberia in its peacebuilding efforts by: collaborating closely with UNMIL and the United Nations country team of its peacebuilding activities; encouraging the effective coordination of United Nations and other actors with respect to the implementation of national strategies; and reaching out to relevant stakeholders at Headquarters

- Monitor the preparation and implementation of the Priority Plan seeking to advocate that the peacebuilding priorities outlined in the statement of mutual commitment are effectively addressed.

IV. Periodic review of engagement

33. The Peacebuilding Commission and the Government of Liberia agree to undertake a review of this statement of mutual commitment at nine-month intervals from the date of its adoption by the Liberian country-specific configuration of the Peacebuilding Commission.

34. The periodic review will be based on a few, selected tangible targets to be developed immediately after the adoption of the statement of mutual commitment.